

**Introduced by Senator Lieu**

February 18, 2011

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An act to amend Sections 32280, 32281, 32282, 32285, and 32286 of, to add Sections 32286.1, 32287.1, and 32289.1 to, to repeal Section 32289 of, and to repeal and add Section 32288 of, the Education Code, relating to school safety.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 755, as introduced, Lieu. School safety plans.

(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.

This bill would revise and recast those procedures. The bill would make the requirement to develop and adopt a school safety plan applicable to charter schools authorized by the governing boards of school districts or county offices of education in addition to other public schools operated by those districts or county offices. The bill also would impose various criminal penalties for school and local educational agency officers who fail to comply with the revised procedures. The

bill would authorize the filing of a complaint of noncompliance with the school safety plan requirements of Title IV of the federal No Child Left Behind Act of 2001 with the department pursuant to the Uniform Complaint Procedures set forth in the California Code of Regulations. By requiring school and local educational agency officers to perform additional duties, and creating new crimes, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 32280 of the Education Code is amended  
2 to read:  
3 32280. (a) It is the intent of the Legislature that all California  
4 public schools, in kindergarten, and grades 1 to 12, inclusive,  
5 operated by school districts, in cooperation with local law  
6 enforcement agencies, community leaders, parents, pupils, teachers,  
7 administrators, and other persons who may be interested in the  
8 prevention of campus crime and violence, develop a comprehensive  
9 school safety plan that addresses the safety concerns identified  
10 through a systematic planning process. ~~For~~  
11 (b) (1) For the purposes of this ~~section~~ article, law enforcement  
12 agencies include local police departments, county sheriffs' offices,  
13 school district police or security departments, probation  
14 departments, ~~and district attorneys' offices~~ the Attorney General,  
15 ~~any district attorney, or any city attorney.~~ ~~For~~  
16 (2) For purposes of this ~~section~~ article, a "safety plan" means  
17 a plan to develop strategies aimed at the prevention of, and  
18 education about, potential incidents involving crime and violence  
19 on the school campus.

1 (3) *For purposes of Sections 32281 and 32282, “principal”*  
2 *includes the principal’s designee and “administrator in charge”*  
3 *includes the designee of the administrator in charge.*

4 SEC. 2. Section 32281 of the Education Code is amended to  
5 read:

6 32281. (a) Each school district and county office of education  
7 is responsible for the overall development of all comprehensive  
8 school safety plans for its schools, *including charter schools it has*  
9 *authorized*, operating kindergarten or any of grades 1 to 12,  
10 inclusive.

11 (b) (1) Except as provided in subdivision (d) with regard to a  
12 small school district, the schoolsite council established pursuant  
13 to Section 52012, *as it read prior to January 1, 2006*, or Section  
14 52852 shall write and develop a comprehensive school safety plan  
15 relevant to the needs and resources of that particular school.

16 (2) The schoolsite council may delegate this responsibility to a  
17 school safety planning committee made up of the following  
18 members:

19 (A) The principal or the ~~principal’s designee~~ *administrator in*  
20 *charge of a school without a principal.*

21 (B) One teacher who is a representative of the recognized  
22 certificated employee organization.

23 (C) One parent whose child attends the school.

24 (D) One classified employee who is a representative of the  
25 recognized classified employee organization.

26 (E) Other members, if desired.

27 (3) The schoolsite council shall consult with a representative  
28 from a law enforcement agency in the writing and development  
29 of the *initial* comprehensive school safety plan, *and is strongly*  
30 *encouraged to consult with a representative from a law*  
31 *enforcement agency for the plan’s review every year thereafter.*

32 (4) In the absence of a schoolsite council, the members specified  
33 in paragraph (2) shall serve as the school safety planning  
34 committee.

35 (c) Nothing in this article shall limit or take away the authority  
36 of school boards as guaranteed under this code.

37 (d) (1) Subdivision (b) shall not apply to a small school district,  
38 as defined in paragraph (2), if the small school district develops a  
39 districtwide comprehensive school safety plan that is applicable  
40 to each schoolsite.

(2) As used in this article, “small school district” means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal, or ~~his or her designee~~ *the administrator in charge of a school without a principal*, verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal or *administrator in charge*, the principal or ~~the principal’s designee~~ *administrator in charge* may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or ~~his or her designee~~ *administrator in charge* chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular ~~work day~~ *workday* after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, ~~an act that is considered a “violent crime” shall meet the definition~~ *means a Part 1 violent crime as defined in paragraph (2) of subdivision (i) of Section 67381 and* ~~be~~ *is* an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

SEC. 3. Section 32282 of the Education Code is amended to read:

32282. (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

1 (A) Child abuse reporting procedures consistent with Article  
2 2.5 (commencing with Section 11164) of *Chapter 2 of* Title 1 of  
3 Part 4 of the Penal Code.

4 (B) Disaster procedures, routine and emergency, including  
5 adaptations for pupils with disabilities in accordance with the  
6 *federal* Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
7 12101 et seq.). The disaster procedures shall also include, but not  
8 be limited to, both of the following:

9 (i) Establishing an earthquake emergency procedure system in  
10 every public school building having an occupant capacity of 50  
11 or more pupils or more than one classroom. A district or county  
12 office may work with the California Emergency Management  
13 Agency and the Seismic Safety Commission to develop and  
14 establish the earthquake emergency procedure system. The system  
15 shall include, but not be limited to, all of the following:

16 (I) A school building disaster plan, ready for implementation  
17 at any time, for maintaining the safety and care of pupils and staff.

18 (II) A drop procedure whereby each pupil and staff member  
19 takes cover under a table or desk, dropping to his or her knees,  
20 with the head protected by the arms, and the back to the windows.  
21 A drop procedure practice shall be held at least once each school  
22 quarter in elementary schools and at least once a semester in  
23 secondary schools.

24 (III) Protective measures to be taken before, during, and  
25 following an earthquake.

26 (IV) A program to ensure that pupils and both the certificated  
27 and classified staff are aware of, and properly trained in, the  
28 earthquake emergency procedure system.

29 (ii) Establishing a procedure to allow a public agency *or*  
30 *nongovernmental organization*, including the American Red Cross,  
31 to use school buildings, grounds, and equipment for mass care and  
32 welfare shelters during disasters or other emergencies affecting  
33 the public health and welfare. The district or county office shall  
34 cooperate with the public agency *or nongovernmental organization*  
35 in furnishing and maintaining the services as the district or county  
36 office may deem necessary to meet the needs of the community.

37 (C) Policies pursuant to subdivision (d) of Section 48915 for  
38 pupils who committed an act listed in subdivision (c) of Section  
39 48915 and other school-designated serious acts which would lead  
40 to suspension, expulsion, or mandatory expulsion recommendations

1 pursuant to Article 1 (commencing with Section 48900) of Chapter  
2 6 of Part 27 of *Division 4 of Title 2*.

3 (D) Procedures to notify teachers of dangerous pupils pursuant  
4 to Section 49079.

5 (E) A discrimination and harassment policy consistent with the  
6 prohibition against discrimination contained in Chapter 2  
7 (commencing with Section 200) of Part 1.

8 (F) The provisions of any schoolwide dress code, pursuant to  
9 Section 35183, that prohibits pupils from wearing “gang-related  
10 apparel,” if the school has adopted that type of a dress code. For  
11 those purposes, the comprehensive school safety plan shall define  
12 “gang-related apparel.” The definition shall be limited to apparel  
13 that, if worn or displayed on a school campus, reasonably could  
14 be determined to threaten the health and safety of the school  
15 environment. Any schoolwide dress code established pursuant to  
16 this section and Section 35183 shall be enforced on the school  
17 campus and at any school-sponsored activity by the principal of  
18 the school or the ~~person designated by the~~ *administrator in charge*  
19 *of a school without a principal*. For the purposes of this paragraph,  
20 “gang-related apparel” shall not be considered a protected form  
21 of speech pursuant to Section 48950.

22 (G) Procedures for safe ingress and egress of pupils, parents,  
23 and school employees to and from school.

24 (H) A safe and orderly environment conducive to learning at  
25 the school.

26 (I) The rules and procedures on school discipline adopted  
27 pursuant to Sections 35291 and 35291.5.

28 ~~(J) Hate crime reporting procedures pursuant to Chapter 1.2~~  
29 ~~(commencing with Section 628) of Title 15 of Part 1 of the Penal~~  
30 ~~Code.~~

31 (b) It is the intent of the Legislature that schools develop  
32 comprehensive school safety plans using existing resources,  
33 including the materials and services of the partnership, pursuant  
34 to this chapter. It is also the intent of the Legislature that schools  
35 use the handbook developed and distributed by the School/Law  
36 Enforcement Partnership Program entitled “Safe Schools: A  
37 Planning Guide for Action” in conjunction with developing their  
38 plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the partnership as authorized by Section 32285.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public law enforcement and school employees.

~~(f) The (1) Before adopting its initial comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 32288 hold a public meeting at the schoolsite to hear public comment about the school safety plan.~~

~~(2) The schoolsite council or school safety planning committee shall notify, in writing, all of the following persons and entities, if available, of the public meeting:~~

~~(A) A representative of the local school employee organization.~~

~~(B) A representative of each parent organization registered at the schoolsite, including the parent teacher association and parent teacher clubs.~~

~~(C) A representative of each teacher organization at the schoolsite.~~

~~(D) All persons who have requested to be notified.~~

SEC. 4. Section 32285 of the Education Code is amended to read:

32285. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The partnership shall may award grants for school safety plans that include, but are not limited to, the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

SEC. 5. Section 32286 of the Education Code is amended to read:

32286. (a) Each school shall adopt its comprehensive school safety plan ~~by for the upcoming school year no later than the preceding March 1, 2000;~~ and shall review and update its plan by March 1, ~~every~~ of each year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1; every year thereafter.

(b) *The principal or administrator in charge of a school without a principal shall forward the school's comprehensive school safety plan for the upcoming school year to the superintendent of the school district or county office of education, or to the administrator in charge where there is no superintendent, no later than March 31 of each year. The school district or county office of education*



1 *either may approve the plan or may determine that the plan does*  
2 *not comply with this section and return it to the school for*  
3 *amendment. The principal or administrator in charge shall return*  
4 *an amended plan within 60 days of the date each rejected plan is*  
5 *returned for amendment.*

6 ~~(b) Commencing in July 2000, and every July thereafter, each~~  
7 ~~school shall~~

8 *(c) No later than July 31 of each year, the principal or*  
9 *administrator in charge of a school without a principal shall*  
10 *accurately report on the status of its school the school's safety*  
11 *plan for the upcoming school year, including a description of its*  
12 *key elements in the annual school accountability report card*  
13 *prepared pursuant to Sections 33126 and 35256. The report shall*  
14 *include, but is not limited to, whether or not a school safety plan*  
15 *was adopted for the upcoming year, the date the school safety plan*  
16 *was adopted, the date the adopted school safety plan was*  
17 *forwarded to the school district or county office pursuant to*  
18 *subdivision (b), and a description of the safety plan's elements as*  
19 *set forth in Section 32282.*

20 *(d) Each school principal or administrator in charge of a school*  
21 *without a principal shall provide written or electronic notice to*  
22 *each teacher and classified employee that the adopted school safety*  
23 *plan is readily available for inspection.*

24 SEC. 6. Section 32286.1 is added to the Education Code, to  
25 read:

26 32286.1. No later than October 15 of each year, each  
27 superintendent of a school district or county office of education,  
28 or each administrator in charge of a district or county office without  
29 a superintendent, shall provide written notification to the  
30 Superintendent identifying each school within the district or county  
31 that has not complied with Section 32281 or subdivision (b) of  
32 Section 32286 for that school year.

33 SEC. 7. Section 32287.1 is added to the Education Code, to  
34 read:

35 32287.1. (a) No later than December 31 of each year, the  
36 Superintendent shall publish on the department's Internet Web  
37 site the name of each school reported pursuant to Section 32286.1.

38 (b) No later than 60 days after a notification pursuant to Section  
39 32287, the Superintendent shall publish on the department's

Internet Web site the name of every school district and county office so notified and the date of notification.

SEC. 8. Section 32288 of the Education Code is repealed.

~~32288. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.~~

~~(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.~~

~~(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:~~

~~(A) The local mayor.~~

~~(B) A representative of the local school employee organization.~~

~~(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.~~

~~(D) A representative of each teacher organization at the schoolsite.~~

~~(E) A representative of the student body government.~~

~~(F) All persons who have indicated they want to be notified.~~

~~(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:~~

~~(A) A representative of the local churches.~~

~~(B) Local civic leaders.~~

~~(C) Local business organizations.~~

~~(e) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.~~

SEC. 9. Section 32288 is added to the Education Code, to read:

32288. (a) Each principal or administrator in charge of a school without a principal shall keep and maintain a copy of the most recent comprehensive school safety plan for that school.

(b) Each superintendent of a school district or county office of education, or each administrator in charge of a district or county office without a superintendent, shall keep and maintain a copy of

1 the most recent comprehensive school safety plan filed pursuant  
2 to Section 32286 and a copy of every notification made pursuant  
3 to Section 32286.1.

4 (c) All books, documents, records, and other papers kept and  
5 maintained pursuant to subdivisions (a) and (b) shall be open for  
6 inspection and copying on business days, excluding legal holidays,  
7 during the hours of 9 a.m. to 5 p.m., inclusive, within 48 hours of  
8 a written, verbal, or electronic request by a law enforcement agency  
9 described in Section 32280.

10 (d) Each person who knowingly violates this section is guilty  
11 of an infraction punishable by a fine of not less than two hundred  
12 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

13 SEC. 10. Section 32289 of the Education Code, as added by  
14 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

15 ~~32289. A complaint of noncompliance with the school safety~~  
16 ~~planning requirements of Title IV of the federal No Child Left~~  
17 ~~Behind Act of 2001, 20 U.S.C. Sec. 7114(d)(7), may be filed with~~  
18 ~~the department under the Uniform Complaint Procedures as set~~  
19 ~~forth in Chapter 5.1 (commencing with Section 4600) of Title 5~~  
20 ~~of the California Code of Regulations.~~

21 SEC. 11. Section 32289.1 is added to the Education Code, to  
22 read:

23 32289.1. (a) Each principal or administrator in charge of a  
24 school without a principal who knowingly violates Section 32286  
25 is guilty of an infraction punishable by a fine of not less than two  
26 hundred fifty dollars (\$250) nor more than one thousand dollars  
27 (\$1,000).

28 (b) Each superintendent of a school district or a county office  
29 of education, and each administrator in charge of a district or  
30 county office without a superintendent, who knowingly violates  
31 Section 32286.1 is guilty of an infraction punishable by a fine of  
32 not less than two hundred fifty dollars (\$250) nor more than one  
33 thousand dollars (\$1,000).

34 (c) Before an infraction may be charged against any person for  
35 a violation described in this section, the prosecuting agency shall  
36 provide a written notice of correction to the person. If the person  
37 delivers written proof of correction to the prosecuting agency  
38 within 60 days of delivery of the notice, the infraction shall not be  
39 charged.

1 (d) A complaint of noncompliance with the school safety plan  
2 requirements of Title IV of the federal No Child Left Behind Act  
3 of 2001 (20 U.S.C. Sec. 7114(d)(7)) may be filed with the  
4 department pursuant to the Uniform Complaint Procedures set  
5 forth in Chapter 5.1 (commencing with Section 4600) of Division  
6 1 of Title 5 of the California Code of Regulations.

7 SEC. 12. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution for certain  
9 costs that may be incurred by a local agency or school district  
10 because, in that regard, this act creates a new crime or infraction,  
11 eliminates a crime or infraction, or changes the penalty for a crime  
12 or infraction, within the meaning of Section 17556 of the  
13 Government Code, or changes the definition of a crime within the  
14 meaning of Section 6 of Article XIII B of the California  
15 Constitution.

16 However, if the Commission on State Mandates determines that  
17 this act contains other costs mandated by the state, reimbursement  
18 to local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.